CONSTITUTIONAL LAW — CLASS LEGISLATION — STATE POLL TAX ON ALIENS. — In 1920, California adopted a constitutional amendment, imposing an annual poll tax of ten dollars upon all adult male aliens. (CAL. CONST., art. 13; § 12.) A statute requires registration for this tax. (CAL. POL. CODE, §§ 3839–3856.) Upon failing to comply with the statute, a citizen of Mexico was arrested; and he now applies for a writ of *habeas corpus* on the ground that the amendment and the statute deny him the equal protection of the laws, in violation of the Fourteenth Amendment. *Held*, that the tax is unconstitutional. *Ex parte Kotta*, 200 Pac. 957 (Cal.).

It is settled that aliens may claim equal protection of the laws under the Fourteenth Amendment. *Yick Wo* v. *Hopkins*, 118 U. S. 356. This amendment applies to state taxation. *Southern Railway Co.* v. *Greene*, 216 U. S. 400. See 1 WILLOUGHBY, CONSTITUTION, § 270. A state, however, may classify its population for purposes of legislation provided no arbitrary or unreasonable distinction is adopted. *Giozza* v. *Tiernan*, 148 U. S. 657. See COOLEY, CONSTITUTIONAL LIMITATIONS, 7 ed., 15, note (a). Moreover, the courts should respect the legislative view of what is reasonable in classification, unless no fair basis could possibly exist. *Missouri, Kansas & Texas R. R. Co.* v. *May*, 194 U. S. 267. Grounds of public safety and welfare at once suggest themselves to justify the exclusion of aliens from certain occupations such as liquor selling, and from holding public office. *Trageser* v. *Gray*, 73 Md. 250, 20 Atl. 905; *State ex rel. Off* v. *Smith*, 14 Wis. 497. And citizens are properly given preference as regards the wealth and resources of the state. *People* v. *Crane*, 214 N. Y. 154, 108 N. E. 427. But statutes debarring aliens, as such, from ordinary pursuits or from equal opportunity for private employment have been held indefensibly discriminatory. *Templar* v. *State Board of Examiners*, 131 Mich. 254, 90 N. W. 1058; *Truax* v. *Raich*, 239 U. S. 33. *A fortiori* no peculiarity attaches to aliens as a class, which could justify a state in making them the sole objects of a poll tax. *Juniata Limestone Co.* v. *Fagley*, 187 Pa. St. 143, 40 Atl. 977. The court might also have held the tax invalid in the principal case because of its tendency to interfere with the control of immigration, vested in the Federal government. *Lin Sing* v. *Washburn*, 20 Cal. 534.

CONSTITUTIONAL LAW — DUE PROCESS OF LAW — STATUTE EMPOWERING SOLICITOR TO CALL SPECIAL TERM OF COURT. — A South Carolina statute requires the Governor, on application of any circuit solicitor stating that the public interest demands a special term of court, to appoint a judge to hold it. The judge is selected with the advice of the Chief Justice of the South Carolina Supreme Court. (1912, 1 S. C. CODE OF LAWS, § 3841.) The defendant was convicted of rape at a special term called under the provisions of the statute. No other causes were tried at the term. The defendant appeals, contending that the statute violates the Fourteenth Amendment. *Held*, that the statute is unconstitutional. *State* v. *Gossett*, 108 S. E. 290 (S. C.).

Statutes empowering judges, when necessity demands it, to call special terms of criminal court are constitutional. *State* v. *Alfred*, 87 Vt. 157, 88 Atl. 534. See *Graham* v. *Comm.*, 164 Ky. 317, 175 S. W. 981. The statute involved here gives this power to the prosecuting officer; it is an expression of the legislature's determination that an expedient and effective scheme of procedure requires that the discretion of initiating proceedings be placed in his hands. It cannot be said that the legislative judgment has no foundation in reason. That being so, the statute is not unconstitutional because the court thinks the discretion might better have been given to some other officer. The special term of court will administer the law as impartially as any. The only effect of the statute is to provide a speedy trial, for which there is much to be said as a means of reducing lawlessness. Due process of law does not require delay; the policy of the law is to the contrary. See *Graham* v. *Comm.*, 164 Ky. 317,